

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1702

Introduced by Assembly Member Swanson

February 1, 2010

An act to amend Section 84810.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 1702, as amended, Swanson. Community colleges: inmate education programs: computation of apportionments.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as a segment of public postsecondary education in the state.

Existing law, notwithstanding open course provisions in statute or regulations of the board of governors, authorizes the governing board of a community college district that provides classes for inmates of certain facilities, including a federal correctional facility, to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for a governing board of a community college district that provides those classes for inmates, including inmates of state correctional facilities, and would authorize the board of governors to include the units of full-time

equivalent students generated in those classes for purposes of state apportionments.

(2) Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

This bill would make revisions to that method of computation.

The bill would prohibit a community college district from claiming, under the bill, for purposes of apportionments, a class for which a district receives full compensation for its direct education costs for the conduct of the class from a public or private agency, individual, or group of individuals, and a class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 84810.5 of the Education Code is
2 amended to read:

3 84810.5. (a) (1) Open course provisions in statute or
4 regulations of the board of governors shall be waived for a
5 governing board of a community college district that provides
6 classes for inmates of a city, county, or city and county jail, road
7 camp, farm for adults, or state or federal correctional facility. This
8 section shall not be construed to authorize the waiver of open
9 course provisions in any context or situation other than those that
10 are specifically authorized by this section. Subject to limitations
11 set forth in subdivision (b), the board of governors may include
12 the units of full-time equivalent students (FTES) generated in those
13 classes for purposes of state apportionments.

14 (2) The attendance hours generated by credit courses shall be
15 funded at the marginal credit rate determined pursuant to paragraph
16 (2) of subdivision (d) of Section 84750.5. The attendance hours
17 generated by noncredit courses shall be funded at the noncredit
18 rate *pursuant to paragraph (3) of subdivision (d) of Section*
19 *84750.5. The attendance hours generated by instruction in career*
20 *development and college preparation shall be funded at the rate*

1 *determined pursuant to paragraph (4) of subdivision (d) of Section*
2 *84750.5.*

3 (b) (1) A community college district shall not claim, for
4 purposes of state apportionments under this section, a class to
5 which either of the following applies:

6 (A) The district receives full compensation for its direct
7 education costs for the conduct of the class from a public or private
8 agency, individual, or group of individuals.

9 (B) The district has a contract or instructional agreement, or
10 both, for the conduct of the class with a public or private agency,
11 individual, or group of individuals that has received from another
12 source full compensation for the costs the district incurs under that
13 contract or instructional agreement.

14 (2) In reporting a claim for apportionment to the Chancellor of
15 the California Community Colleges under this section, the district
16 shall report any partial compensation it receives from the sources
17 described in subparagraphs (A) and (B) of paragraph (1) during
18 the period for which the claim is made. The chancellor shall
19 subtract the amount of any partial compensation received from the
20 total apportionment to be paid.

21 (c) This section shall not be construed as providing a source of
22 funds to shift, supplant, or reduce the costs incurred by the
23 Department of Corrections and Rehabilitation in providing inmate
24 education programs.